

House Engrossed Senate Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

CHAPTER 131

SENATE BILL 1289

AN ACT

AMENDING SECTION 28-667, ARIZONA REVISED STATUTES; RELATING TO VEHICLE
ACCIDENT REPORTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-667, Arizona Revised Statutes, is amended to
3 read:

4 28-667. Written accident report; definition

5 A. A law enforcement officer or public employee who, in the regular
6 course of duty, investigates a motor vehicle accident resulting in bodily
7 injury, death or damage to the property of any person in excess of one
8 thousand dollars or the issuance of a citation shall complete a written
9 report of the accident as follows:

10 1. Either at the time of and at the scene of the accident or after the
11 accident by interviewing participants or witnesses.

12 2. Within twenty-four hours after completing the investigation.

13 B. Every law enforcement officer or public employee who, in the
14 regular course of duty, investigates a motor vehicle accident that results in
15 damage to the property of any person in an amount of one thousand dollars or
16 less, but that does not result in the issuance of a citation or bodily injury
17 or death, shall complete a portion of the written report of the accident.
18 The portion of the written report shall:

19 1. Be completed either at the time of and at the scene of the accident
20 or after the accident by interviewing participants or witnesses.

21 2. Be completed within twenty-four hours after completing the
22 investigation.

23 3. Include the following minimum information:

24 (a) The time, day, month and year of the accident.

25 (b) Information adequate to identify the location of the accident.

26 (c) Identifying information for all involved parties and witnesses,
27 including name, age, sex, address, telephone number, vehicle ownership and
28 registration and proof of insurance.

29 (d) A narrative description of the facts of the accident, a simple
30 diagram of the scene of the accident and the investigating officer's name,
31 agency and identification number.

32 C. The agency employing the officer or public employee:

33 1. Shall not allow a person to examine the accident report or any
34 related investigation report or a reproduction of the accident report or a
35 related investigation report if the request is for a commercial solicitation
36 purpose.

37 2. May require a person requesting the accident or related
38 investigative report to state under penalty of perjury that the report is not
39 examined or copied for a commercial solicitation purpose.

40 3. May retain the original report.

41 4. Shall maintain an electronic copy of the original report if the
42 agency elects not to retain the original report pursuant to paragraph 3 of
43 this subsection.

44 5. Shall immediately forward a copy of the report to the department OF
45 TRANSPORTATION for its use.

46 6. EXCEPT AS OTHERWISE PROVIDED BY LAW, ON REQUEST SHALL PROVIDE A
47 COPY OF THE UNREDACTED REPORT TO THE FOLLOWING:

1 (a) A PERSON WHO IS INVOLVED IN THE ACCIDENT OR THE OWNER OF A VEHICLE
2 INVOLVED IN THE ACCIDENT OR A REPRESENTATIVE OF THE PERSON OR OWNER.

3 (b) ANY INSURER LICENSED PURSUANT TO TITLE 20 IF THE REPORT IS RELATED
4 TO AN INVESTIGATION INTO FRAUDULENT CLAIMS, OR ANY INSURER THAT WRITES
5 AUTOMOBILE LIABILITY OR MOTOR VEHICLE LIABILITY POLICIES AND THAT IS BOTH OF
6 THE FOLLOWING:

7 (i) UNDER THE JURISDICTION OF THE DEPARTMENT OF INSURANCE OR INSURANCE
8 SUPPORT ORGANIZATION OR A SELF-INSURED ENTITY OR ITS AGENTS, EMPLOYEES OR
9 CONTRACTORS IN CONNECTION WITH CLAIMS INVESTIGATION ACTIVITIES, ANTIFRAUD
10 ACTIVITIES, RATING OR UNDERWRITING.

11 (ii) AN INSURER OF A PERSON OR VEHICLE INVOLVED IN THE ACCIDENT.

12 (c) AN ATTORNEY LICENSED TO PRACTICE LAW OR TO A LICENSED PRIVATE
13 INVESTIGATOR REPRESENTING A PERSON INVOLVED IN THE ACCIDENT IN CONNECTION
14 WITH ANY CIVIL, ADMINISTRATIVE OR ARBITRATION PROCEEDING IN ANY COURT OR
15 GOVERNMENT AGENCY OR BEFORE ANY SELF-REGULATORY BODY, INCLUDING THE SERVICE
16 OF PROCESS, INVESTIGATION IN ANTICIPATION OF LITIGATION AND THE EXECUTION OR
17 ENFORCEMENT OF JUDGMENTS AND ORDERS, OR PURSUANT TO A COURT ORDER.

18 D. IF A REQUEST IS MADE PURSUANT TO SUBSECTION C, PARAGRAPH 6,
19 SUBDIVISION (a) OR (c) OF THIS SECTION AND THE ACCIDENT REPORT INDICATES THAT
20 A CRIMINAL COMPLAINT HAS BEEN ISSUED, BEFORE THE REPORT IS RELEASED THE
21 PERSONAL IDENTIFYING INFORMATION REGARDING ANY VICTIM SHALL BE REDACTED FROM
22 THE ACCIDENT REPORT PURSUANT TO SECTION 13-4434.

23 E. A LAW ENFORCEMENT AGENCY MAY DENY A REQUEST FOR A COPY OF AN
24 UNREDACTED ACCIDENT REPORT IF THE AGENCY DETERMINES THAT RELEASE OF THE
25 REPORT WOULD BE HARMFUL TO A CRIMINAL INVESTIGATION.

26 F. The department may place notes, date stamps, identifying
27 numbers, marks or other information on the copies as needed, if they do not
28 alter the original information reported by the investigating officer or
29 public employee.

30 G. ANY LAW RESTRICTING THE DISTRIBUTION OF PERSONAL IDENTIFYING
31 INFORMATION BY A BUSINESS ENTITY DESCRIBED IN SUBSECTION C, PARAGRAPH 6,
32 SUBDIVISION (b) OF THIS SECTION APPLIES TO PERSONAL IDENTIFYING INFORMATION
33 CONTAINED IN AN ACCIDENT REPORT. IF A PERSON WHO RECEIVES INFORMATION UNDER
34 THIS SECTION IS NOT OTHERWISE SUBJECT TO DISTRIBUTION RESTRICTIONS FOR
35 INFORMATION CONTAINED IN ACCIDENT REPORTS, THE PERSON SHALL NOT RELEASE THE
36 REPORT OR ANY INFORMATION CONTAINED IN THE REPORT EXCEPT TO THOSE PERSONS
37 DESIGNATED IN SUBSECTION C, PARAGRAPH 6 OF THIS SECTION.

38 H. For the purposes of this section, "commercial solicitation
39 purpose" means a request for an accident report if there is neither:

40 1. A relationship between the person or the principal of the person
41 requesting the accident report and any party involved in the accident.

42 2. A reason for the person to request the report other than for the
43 purposes of soliciting a business or commercial relationship.

44 Sec. 2. Emergency

45 This act is an emergency measure that is necessary to preserve the
46 public peace, health or safety and is operative immediately as provided by
47 law.

APPROVED BY THE GOVERNOR JULY 13, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.